

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Steven G. Keener
Patent Number: 7,241,328
Issued: 7/10/2007
For: METHOD FOR PREPARING ULTRA-FINE, SUBMICRON
GRAIN TITANIUM AND TITANIUM-ALLOY ARTICLES
AND ARTICLES PREPARED THEREBY

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

CITATION OF PRIOR ART 35 U.S.C. 301

It is respectfully requested that the enclosed U.S. Patent No. 4,818,481, Luten et al. for "Method of extruding aluminum-base oxide dispersion strengthened" be made of record in the file of this case.

The applicants' attorney became aware of the '481 patent on receipt of an e-mail advising that an office action had been issued in a related case, which was being prosecuted by another attorney. The sender of the e-mail advised that the office action cited the '481 patent and might be of interest. The office action carries the mailing date of 4/4/07 and the e-mail is dated 6/6/07.

The application on which patent number 7,241,328 issued was formally allowed on 4/30/07. The issue fee was paid 6/1/07 before receipt of the e-mail.

The '481 Patent was cited in Application Serial Number 10/982,338 as part of a combination of references. The Examiner noted that the reference does not specify the titanium or titanium alloy material as claimed... does not specify the coating step as

claimed... does not specify a thermal processing step after the forming step... does not specify the Ceracon-type forge consolidation... and the densification under nitrogen and argon atmosphere as in the instant claims... does not specify the claimed feature in the instant claim 25, etc. (see Office Action copy enclosed).

It is submitted that the Luten patent is not pertinent in the sense of patentability to any of the claims in the application which are directed to an entirely different process, i.e., making an ultra-fine submicron grain titanium or titanium alloy article employing very specific materials and conditions not disclosed or taught by the reference. While the reference is not pertinent or relevant, it is desired that it be included in the file, mostly because of how it came to the attention of the patentee.

Respectfully Submitted,
Attorney for Applicant

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/joshua s. broitman/
Joshua S. Broitman
Registration No. 38,006
Evelyn M. Sommer
Registration No. 19, 603
OSTRAGER CHONG FLAHERTY AND
BROITMAN, PC
570 Lexington Avenue, 17th Floor
New York, NY 10022-6894
Phone: (212) 681-0600
Customer Number: 64722